

REMARKS

Applicant submits this Amendment in response to the Notice of Non-Compliant Amendment dated March 30, 2004 (copy of which is enclosed), in further response to the Office Action of October 7, 2004. Claim 42 is now listed as "currently amended" and Claims 1-41 are listed as canceled. Claims 47, 48 and 49 are canceled and are listed as canceled.

With respect to the substance of the Office Action of October 7, 2003, it is respectfully withheld that the invention recited by Claims 42-46 as amended is non-obvious in view of the prior art cited by the Examiner.

The improvement, as recited in the claims, is the combination of foam roofing surface membrane layer and a building roof base. The combination is limited by the process of applying the foam roofing membrane to the roof base. In this process, the non-requirement of an adhesive layer inherently provides for a point of novelty not taught by the prior art cited. The "in situ" limitation thus provides for a product having an unexpected and useful property. This property is the ability of the product to be applied without the addition of an adhesive layer. Such a limitation is neither taught by the prior art cited nor does the prior art provide a motivation for such a limitation.

Further, Claim 42 has been amended to include the limitation of a "seamless cured polyurethane foam surface

membrane layer." This limitation implies that the membrane layer, independent of dimensions of area, must be considered to be a continuous entity. Inherently, the current invention has the property of being able to seamlessly cover an entire roof surface, understanding that seams may be detrimental in terms of leakage. Prior art provides neither motivation nor a means for providing a membrane layer with the ability discussed herein.

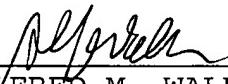
Further yet, Claim 42 has been amended to include the limitation of a "membrane perimeter being coterminous with said outer perimeter of said building roof base." By the inclusion of the membrane perimeter being "coterminous," it is clear that Claim 42 recites a seamless membrane, which spans the area of a roof base surface. The prior art cited, sole or in combination, does not teach a layer having the properties discussed herein.

The amendments made to the Claims herein may not provide a presumption of acquiescence with the arguments of the Examiner as of the Office Action, dated October 7, 2003. It is with the purpose of further clarifying the relationship between product and process of the current invention that the amendments herein have been made.

It is respectfully submitted the Claims 42-46 are allowable, which allowance is earnestly solicited.

Respectfully submitted,

Dated: April 26, 2004

  
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CERTIFICATE OF MAILING

I hereby certify that the attached correspondence is being deposited with the United States Postal Service as Express Mail # EV481574056US to The Commissioner For Patents Mail Stop: No Fee, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

Dated: April 26, 2004

  
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Alfred M. Walker

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